

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
DORIS R. KING,)	
)	
Plaintiff,)	
)	Civil Action No. 03-12591-NMG
v.)	
)	
WEST ROXBURY VAMC & MARY)	
HANLON,)	
)	
Defendants.)	
_____)	

NOTICE OF SUBSTITUTION

Please take notice that pursuant to 28 U.S.C. § 2679(d)(1), the United States of America (“United States”) is hereby substituted for the individual defendant, Mary Hanlon (“Hanlon”), and for the West Roxbury VA Medical Center, with respect to any and all causes of action. The grounds for this substitution are:

1. The plaintiff has brought an action against Hanlon, alleging that she sustained damages as result of medical care by Hanlon. Specifically, plaintiff has alleged that Hanlon administered the wrong medication to the plaintiff and thereby caused injury to the plaintiff. At the time of the incident alleged in the plaintiff’s Complaint, Hanlon was in the scope of her employment for the United States.

2. Pursuant to 28 U.S.C. §§ 2675 and 2679, plaintiff’s exclusive remedy for a tort claim against an employee of the United States is an action against the United States under the Federal Tort Claims Act.

3. Pursuant to 28 U.S.C. § 2679, plaintiff’s exclusive remedy for a tort claim against the Veterans Affairs Medical Center in West Roxbury is an action against the United States

under the Federal Tort Claims Act.

4. The Acting United States Attorney for the District of Massachusetts has certified pursuant to 28 U.S.C. §§ 2679(d)(1), and 28 C.F.R. § 15.3, that at the time of the conduct alleged, Hanlon was acting within the scope of her employment as an employee of the United States.

5. Upon Certification that a federal employee was acting within the scope of her office or employment at the time of the incident, any civil action based on the incident shall be deemed an action against the United States, and the United States shall be substituted as the sole defendant. 28 U.S.C. § 2679(d)(1).

The Court is respectfully referred to the Certification of Michael J. Sullivan filed together with this notice. A draft Order amending the caption of this case to reflect the substitution of the United States is attached hereto for the Court's convenience.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jeffrey M. Cohen
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Dated: January 24, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January 2005, the foregoing document was served upon the following:

Doris R. King
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(617) 787-7468

/s/ Jeffrey M. Cohen
Jeffrey M. Cohen